

MINUTE ENTRY

9:34 a.m.

UNITED STATES OF AMERICA -v- MONESSA P. NAUTA

PRESENT: HON. ALEX R. MUNSON, Chief Judge Presiding
SANAE SHMULL, Court Reporter
K. LYNN LEMIEUX, Courtroom Deputy
JAMIE BOWERS, Assistant U. S. Attorney
LOREN SUTTON, Counsel for Defendant
MONESSA P. NAUTA, Defendant

PROCEEDING: SENTENCING

Defendant was present with her court appointed counsel, Attorney Loren Sutton. Government by Jamie Bowers, AUSA. Also present was U.S. Probation Officer, Margarita Wonenberg.

No objection by the government of the presentence report. Counsel for defendant had no objections.

Court adopted the presentence investigation report and instructed the Clerk to file the report, under seal, and that the report be made available if the judgment is appealed. The probation officer's recommendation shall also be placed under seal. No objection by the parties.

Government had no objection to the advisory guidelines that the Court intends to be guided; Defense had not objections. Court adopted the advisory guidelines.

Government recommended a sentence of probation. Defense recommended a sentence of probation.

Attorney Sutton called witness:

FRED CAMACHO (Bank Manager of BankPacific - Saipan). DX.

Defendant gave her allocution to the Court.

SENTENCE: Pursuant to the Sentencing Reform Act of 1984, it is the judgment of the Court that the defendant MONESSA P. NAUTA is hereby sentenced to four years probation. The term probation will commence immediately and will require that the defendant comply with the following conditions:

1. That the defendant shall not commit another federal, state or local crime;
2. That the defendant shall not unlawfully possess a controlled substance and shall refrain from any unlawful use of a controlled substance and submit to one drug test within 15 days after sentencing and to at least two periodic drug test thereafter for use of a controlled substance;
3. That the defendant shall submit to the collection of a DNA sample at the

direction of the United States Probation Office;

4. That the defendant shall comply with the standard conditions of probation as set forth by the U.S. Sentencing Commission and codified under 18 U.S.C. Â§3563;

5. That the defendant shall be prohibited from possess a firearm or other dangerous weapon or have such at her residence;

6. That the defendant shall notify the court of any material change in her economic circumstances that might affect her ability to pay restitution;

7. That the defendant is prohibited from incurring new credit charges or opening additional lines of credit without prior approval of the probation officer;

8. That the defendant must provide the probation officer access to any requested financial information;

9. That the defendant shall participate in a program approved by the U.S. Probation Office for substance abuse, which program may include testing to determine whether the defendant has revert to the use of drugs or alcohol. The defendant shall also make co-payment for the program at a rate to be determined by the U.S. Probation Office;

10. The defendant shall refrain from the use of all alcoholic beverages;

11. The defendant shall obtain and maintain gainful employment; and

12. That the defendant shall perform 200 hours of community service under the direction of the U.S. Probation Office.

Pursuant to U. S. S. G. Â§5E.1(a)(1) and 18 U.S.C. Â§3663, the defendant is ordered to immediately pay restitution in the amount of \$32,454.78, less payments previously made in accordance to Superior Court of the NMI civil case 04-0157A, to BankPacific, Attention: Mark O. Fish, Executive Vice President, 151 Aspinall Avenue, Hagatna, GUAM 96932. Payment shall be made to the U.S. District Court of the Northern Mariana Islands, attention: Clerk of Court, for disbursement to the victim BankPacific.

It was further ordered that the defendant pay to the United States a special assessment fee of \$100 to be paid immediately after sentencing. All fines were waived.

No objection to the sentence by the attorneys. Defendant was advised that she did not have ten days in which to appeal her sentence because she had waived her right to appeal in her plea agreement. However, if she or her attorney have any other reason to appeal this case she may do so in ten days. The defendant was advised of her right to an attorney for appeal.

Adj. 10:00 a.m.

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